



**Colorado  
Legislative  
Council  
Staff**

**HB16-1109**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0307 **Date:** January 28, 2016  
**Prime Sponsor(s):** Rep. Becker J.; Becker K. **Bill Status:** House Agriculture  
 Sen. Sonnenberg; Donovan **Fiscal Analyst:** Clare Pramuk (303-866-2677)

**BILL TOPIC:** APPLICATION OF STATE WATER LAW TO FEDERAL AGENCIES

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Minimal workload increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing minimal workload increase.		

**Summary of Legislation**

This bill states that Colorado water is a transferable property right and that the federal government must comply with state law, through the water court process, to acquire water rights. The bill prohibits the State Engineer and the division engineers in the Department of Natural Resources from enforcing or administering efforts by the United States Forest Service (USFS) or Bureau of Land Management (BLM) that:

- require a full or partial transfer of ownership in a water right to the USFS or the BLM;
- restricts the use or alienability of the water right as a condition for an authorization to use federally owned lands; or
- requires a third party that supplies water to a federal special use permit holder to supply the water for a set period of time or in a set amount.

**State Expenditures**

This bill is expected to have a minimal workload increase for the Judicial Department. If litigation occurs as a result of this bill, a case could be brought in a state water court, but then will likely be removed to a federal court. This workload increase can be addressed within existing appropriations.

**Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Judicial  
Natural Resources

Law  
Office of Information Technology